THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1335 OF 2006

DATED 25th JANUARY, 2006

BETWEEN

Vaddireddy Sadasiva Reddy, S/o late.V.Eswara Reddy

… Petitioner

and

The Special Deputy Collector, Land Acquisition, Kadapa and others.

… Respondents

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ORDER:

The petitioners are residents of Lopatnutala village of Lingala Mandal in Kadapa District. They allegedly own lands in Survey Nos.23, 20/4, 22/2 and 168/1. They further allege that the respondents started digging Lingala right canal of 40 feet width and 45 feet depth without acquiring the lands of the petitioners and without issuing any notice to the petitioners. Therefore, they invoke the jurisdiction of this Court under Article 226 of Constitution of India seeking appropriate directions.

The matter was initially called after the Lunch and the matter was passed over to enable the learned Assistant Government Pleader for Land Acquisition to get instructions. In the afternoon, after getting instructions, the learned Assistant Government Pleader for Land Acquisition submits that the respondents started the work of construction of canal in the lands where the landlords are given consent, that wherever the landlords are not willing to give consent for giving advance possession, requisitions are made for initiating the proceedings under Land Acquisition Act, 1894 and that there is no digging of any canal in the petitioners' lands as alleged. The submission made by the learned Assistant Government Pleader is recorded and this Court is of the opinion that the writ petition is filed on mere apprehension. If the petitioners are not willing to give consent to cooperate with the authorities for digging the irrigation canal, it shall be open to the respondents to acquire the lands of the petitioners following due process of law.

The writ petition, with the above observations, is accordingly dismissed. There shall be no order as to costs.

(V.V.S.RAO,J)

25.01.2006.

pln